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Via ECF

June 2, 2022

Hon. Paul A. Engelmayer, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Bizzabo Ltd. et al v. Pixeline Technologies, Inc. et al, SDNY No. 1:22 Civ. 04010

Dear Judge Engelmayer:

We represent Plaintiffs in the above-captioned action. We write in response to Defendants' request for an adjournment of the schedule for the preliminary injunction motion (Dkt. No. 36) and the Court's Order rescheduling the hearing for June 6, 2022 at 11 AM (Dkt. No. 37).

As explained in the moving papers, this motion is time-sensitive and requires urgent attention by the Court. However, June 6 is a Jewish Holiday, and the undersigned counsel is unavailable on that date. Further, Plaintiffs' principal trial counsel, John Hemann, is unavailable from June 3 to June 17 as he will be on a pre-planned trip abroad. In light of these scheduling conflicts, we respectfully request that the Court adjourn the preliminary injunction hearing to any time on June 21, 2022 or after 1 PM on June 23, 2022. If possible, Plaintiffs would greatly prefer a time on June 21, 2022.

Defendants have indicated that they have no objection to Plaintiffs' counsel's scheduling requests.

Separately, Defendants wish to adjourn the date by which they must answer or otherwise respond to the complaint until after the preliminary injunction motion is decided. The parties believe that having the Court's decision on the current motion before addressing the Complaint will serve judicial efficiency. Accordingly, the parties have negotiated and propose the following adjournment and briefing schedule:

- Defendants must answer or otherwise respond to the complaint no later than three weeks from the date of the Court's preliminary injunction decision.
- Should Defendants file a motion to dismiss, Plaintiffs' opposition to the motion would be due three weeks after the motion is filed.
- Defendants' reply would be due 10 calendar days after Plaintiffs' opposition is filed.

We again thank the Court for its consideration.

Respectfully submitted,

/s/ David H. Kupfer

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The Court is prepared to grant this motion, although due to scheduling constraints the prior week, the hearing currently scheduled for June 6, 2022 at 11 a.m. would have to be adjourned until June 27, 2022 at 12 p.m. Before resolving the application for an adjournment, the Court seeks clarification on the status of the temporary restraining order the Court entered on May 17, 2022, *see* Dkt. 13. Because no party has mentioned otherwise in their extension requests, *see* Dkts. 18, 22, 35, 38, the Court assumes that the parties have jointly agreed to extend the TRO until the date to which the hearing is adjourned. The parties are to confirm such by joint letter on the docket submitted by tomorrow, June 3, 2022. Upon such confirmation, the Court will grant the requested adjournment. SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge
6/2/22